

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et  
al.*,

Debtors.<sup>1</sup>

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO SALES TAX FINANCING  
CORPORATION (COFINA),

Debtor.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

PROMESA

Title III

No. 17 BK 3284-LTS

**INFORMATIVE MOTION OF THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO REGARDING JANUARY 16, 2019 HEARING  
CONCERNING CONFIRMATION OF THE COFINA PLAN OF ADJUSTMENT**

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

Pursuant to the Court's Order Regarding Procedures For Attendance, Participation, and Observation of January 16, 2019 Hearing [ECF No. 431], Puerto Rico Sales Tax Financing Corporation ("COFINA"), as the Title III debtor in the above-captioned Title III cases (the "Debtor") under the *Puerto Rico Oversight, Management, and Economic Stability Act* ("PROMESA"), by and through the Financial Oversight and Management Board for Puerto Rico (the "Oversight Board"), as the Debtor's representative pursuant to section 315(b) of PROMESA, respectfully states as follows:

The relevant Hearing Matter<sup>2</sup> for purposes of this informative motion is the Confirmation of COFINA's Third Amended Title III Plan of Adjustment (the "COFINA Plan of Adjustment"). The Oversight Board's witnesses will be Natalie Jaresko ("Ms. Jaresko"), David Brownstein ("Mr. Brownstein"), and Christina Pullo ("Ms. Pullo") (collectively, the "Witnesses"), all of whose testimony will be submitted in written declaration form prior to the hearing. The testimony of the Witnesses will relate to the COFINA Plan of Adjustment, as well as its good faith, feasibility, and creditor support. Ms. Jaresko's testimony will include a discussion of the negotiations over the COFINA Plan of Adjustment and its consistency with the COFINA Fiscal Plan, as well as the relevant requirements for confirmation of the COFINA Plan of Adjustment (other than feasibility and best interests), and matters addressed in the *Memorandum of Law in Support of COFINA's Third Amended Title III Plan of Adjustment* [ECF No. 444] and the *Omnibus Reply of COFINA to Objections to Second Amended Title III Plan of Adjustment* [ECF No. 443]. Mr. Brownstein's

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<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings given to them in the *Order Regarding Procedures for Attendance, Participation and Observation of January 16, 2019 Hearing Regarding (1) the 9019 Settlement Approval Motion, (2) COFINA Plan of Adjustment Confirmation Motion, and (3) Dispute Regarding Section 19.5 of the Plan* [Case No. 17-3283, ECF No. 4647].

testimony will include a discussion of the negotiations over the COFINA Plan of Adjustment and of the relevant requirements for confirmation of the COFINA Plan of Adjustment (including feasibility) and matters addressed in the *Memorandum of Law in Support of COFINA's Third Amended Title III Plan of Adjustment* [ECF No. 444] and the *Omnibus Reply of COFINA to Objections to Second Amended Title III Plan of Adjustment* [ECF No. 443]. Ms. Pullo's testimony will include information regarding the voting and election results concerning the COFINA Plan of Adjustment. The Oversight Board reserves its right to call Ms. Jaresko and/or Mr. Brownstein as rebuttal witnesses. The time for direct testimony is minimal for each of the Witnesses because it will be submitted in writing. The time desired by any other interested party for cross-examination of the Witnesses is unknown at this time. The Oversight Board also intends to cross-examine Dr. José I. Alameda-Lozada, who submitted a declaration as part of PROSOL-UTIER's Opposition to Confirmation of the COFINA Plan of Adjustment, about his opinions relevant to the COFINA Plan of Adjustment, including its feasibility. The time requested for cross-examination of Dr. Alameda-Lozada is 1 hour.

*[Remainder of page intentionally left blank]*

Dated: January 10, 2019  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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